

Cover Sheet for:

Site Plan 8-02014

Staff Report



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 8
5/9/02



MEMORANDUM

DATE: May 2, 2002
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief *JRD*
Development Review Division
FROM: Wynn E. Witthans *WW*
Planning Department Staff
(301) 495-4584

REVIEW TYPE: Final Water Quality Plan and Site Plan Review
APPLYING FOR: Approval of 487 dwelling units (153 SFD, 202 TH's and 132 multifamily units) inclusive of 46 MPDU's on 77.61 acres
PROJECT NAME: Clarksburg Town Center Phase II
CASE #: 8-02014
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance

ZONE: RMX-2 Residential Mixed Use Center
LOCATION: Southeast of the intersection of Piedmont Road and Clarksburg Road
MASTER PLAN: Clarksburg Master Plan and Hyattstown Special Study Area, June 1994
APPLICANT: Terrabrooke Clarksburg LLC, Jim Richmond, Contact
FILING DATE: October 18, 2001
HEARING DATE: May 9, 2002

FINAL WATER QUALITY PLAN - STAFF RECOMMENDATION:

Approval of Final Water Quality Plan including the Stormwater Management Concept with conditions as stated within the April ... , 2002 memo from MCDPS in Appendix; including waiver of Chapter 49-35 through 49-43 of the County Code "Closed Section Roads in the SPA" as noted in the above memo.

Conditions of approval for the FWQ SPA will be supplied when the memo is available.

The above memo to be finalized prior to Planning Board hearing of May 9 and distributed to Planning Board then. The final review encountered unexpected delays thus creating this gap in materials. Staff has been briefed and given drafts for the final FWQP approval letter and supports the progression of this application to the Planning Board for review.

SITE PLAN REVIEW - STAFF RECOMMENDATION:

Approval of 487 dwelling units (153 SFD, 202 TH's and 132 multifamily units) inclusive of 46 MPDU's on 77.61 acres with the following conditions:

1. Site plan approval will not be valid until Special Protection Area – Final Water Quality Plan is approved by MCDPS and MCDEP.
2. Standard Conditions dated October 10, 1995, Appendix A
3. Park and School Site
 - a. Per MCPS Memo of May 2, 2002, the applicant shall provide adequate engineered fill for the building and rough grade the remainder of the school site to allow school construction at a reasonable cost. Alternatively, if this cannot be done, MCPS will consider another site within the subdivision pending revision of the applicable Preliminary and Project Plans. (Memo attached)
 - b. M-NCPPC Parks Department shall review and approve all final path locations in the site. Any path that may serve, as a substitute for a public sidewalk shall be reviewed by DPWT.
 - c. Regarding the ball fields, the plan shall be consistent with condition # 6 of Preliminary Plan 1- 95042 as follows:

Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

(a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report, will occur prior to the execution of the Site Plan Enforcement Agreement.

(b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.

(c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.

(i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.

(ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at Site Plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at Site Plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the Site Plan application.

c. Applicant shall acknowledge that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first.

- i. The exact location and orientation of the fields to be coordinated with M-NCPPC staff.
- ii. The softball field to be full sized with foul lines of 290'.
- iii. The soccer field to be full adult size with dimensions of 360' by 220'.

d. Final details regarding the Park/School site shall be reviewed by staff and shall reflect the direction of the approved Preliminary Plan # 1-95042 and shall include input from the Parks Department, MCPS and the Applicant for the final design of the ball field and path layout, the metes and bounds survey of dedication prior to recordation, grading, access, storm water management facilities and any other issues as required.

e. There shall be no disturbance (or activity to cause them to be unusable) of the existing fields within Kings Local Park until the new fields are constructed. (Note: The applicant acknowledges there is sufficient earth work to build both ball fields and will do so.)

f. Applicant to construct paved hiker/biker trails in the following locations:

1. Along the east side of Overlook Park Drive from Stringtown Road to Clarksburg Road (Route 121). Per Phase I approval. This trail will be aligned to meet the Clarksburg Greenway Trail from the south side of Stringtown Road.
2. From the Clarksburg Greenway Trail along Overlook Park Drive to the Kings Local Park pond trails (two connections to the pond trail) - per Phase I approvals
3. Along the south side of Clarksburg Road from the pond area trails to the intersection with Piedmont - per Phase I approvals.
4. Along the south side of Piedmont from Clarksburg Road to Street "F" - per phase one approvals
5. Along the west side of Street "F" from Piedmont to Main Street and continuing along Main Street to the Greenway Trail along Overlook Park Drive - within the right-of way per DPWT standards.
6. Trails are to be constructed to park standards when outside of right-of-way. Exact trail alignments to be coordinated with M-NCPPC and DPWT staff, and should be appropriately located and landscaped to maintain a park like setting while also fulfilling the need for safe, off road transportation in the area.

4. Piedmont Road

- a. The applicant shall pursue the abandonment of the prescriptive right-of-way of Piedmont Road and Burnt Hill Road with Montgomery County prior to recordation of plats for these areas.
- b. Building Permits for the units located within the prescriptive right-of-way shall be withheld until County Council grants the approval of the abandonment request.
- c. Plats for the areas containing the prescriptive right-of-way shall contain a note stating construction of units located within the prescriptive right-of-way shall not be permitted to be built until the prescriptive right of way has been abandoned pursuant to Chapter 49 of the Montgomery County Code.
- d. A right-of-way exhibit identifying the affected lots shall be developed as an attachment to the Opinion.

5. MPDU's

In order to maintain an equitable balance of MPDU's, all units within Blocks EE and GG of Phase I Site Plan 8-98014 as shown in MPDU exhibit dated May 2, 2002 (attached) will not be constructed until the Planning Board approves a revision of those blocks (proposed to be resubmitted for approval).

6. Waivers requested and previously approved:
 - Waiver of lots fronting on a public right-of-way Section 50-29-(A)(2) –(Staff recommends approval due to interconnecting grid of streets and it's limited use).
 - Waiver of closed section streets has been approved with the Project Plan.
7. Environment
 - a. Record plats to reflect delineation of a Category I Conservation easement that includes the stream/wetland buffers and forest conservation areas, as shown on the site plan, that are not part of the park dedication area.
 - b. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
 - c. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
 - d. The outfall from Pond #3, and any other stormwater management facility or storm drain outfalls which extend into the environmental buffer, shall be field located by applicant's representative, MCDPS, and MNCPPC Environmental Planning staff prior to approval of the stormwater management/sediment control permits by MCDPS.
 - e. MNCPPC Environmental Planning staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these facilities.

ISSUES RESOLVED AND IDENTIFIED DURING THE SITE PLAN REVIEW PROCESS

SPA

The Board has adopted guidelines for Park and Planning Department review of projects within SPA's. These guidelines focus on expanding wetland buffers, expanding and accelerating forest conservation opportunities, and limiting site imperviousness levels. They have been addressed by the site plan in the following manner:

BUFFERS – Stream buffers per the Environmental Guidelines and priority forest conservation areas have been protected with the exception of unavoidable intrusions to tie out grading from a few lots and on the park-school site. The intrusions occur in unforested areas and have been minimized. Mitigation for the impacts will be provided by 2:1 reforestation.

FORESTATION – All unforested stream buffers will be reforested using larger stock to minimize the time to canopy closure. A 5-year maintenance program is required to better ensure survival of the planting.

IMPERVIOUSNESS – Imperviousness within the town center far exceeds the level that is desirable in the headwaters of a sensitive watershed such as Little Seneca Creek. Maximum effort has been made to reduce the amount of imperviousness given the proposed development pattern. Hope for reducing the impact of the excessive impervious surfaces lies in providing extraordinary stormwater management facilities and BMP's for all runoff from these surfaces.

Park and School Site

The concepts for the combination of a Park/School were established in the Project and Preliminary Plan approval in 1995. Copies of those opinions are attached to the Planning Board's packets and are available to the public from the staff folders. Essentially, the Applicant shall build two ball fields for the Park and a SWM pond for the school. MCPS will have a site available to them for a school. The earlier approvals worked out the mechanics of the land transfer, the grading and other specifications for the construction of the Park's ball fields with the requirement that a grading plan be worked out by the time of Site Plan review.

In the course of site plan review, as the park/school plan was being developed, issues of concern have developed. A letter from MCPS is attached which recites their concerns with the current school site location due to the severe grading problems associated with the site. They are asking the Planning Board to require the applicant to provide engineered fill to compensate for the considerable elevation changes – 20 feet in some areas of the site.

With the Planning Board's concurrence, the final grading plan will be finalized after the Site Plan approval in order to work out grading and other details of the submittal listed in the conditions above.

Citizen Comments

Staff has not received any comments regarding the proposed site plan at this time. The citizens remain concerned about dark sky issues and provision of bike paths in general.

Piedmont Road

The right-of-way for Piedmont Road is a prescriptive right-of-way – never dedicated to public use but used as one for many years. The applicant has not yet perused the abandonment procedures required to take ownership of the road and develop it. The applicant will begin construction of the replacement to Piedmont Road - A-305, an arterial street that will connect in a loop around Clarksburg. Staff recommends that until the older prescriptive right-of-way has been abandoned and ownership of the land is taken over by the applicant, no building permits shall be released for construction of units that are affected by this alignment. The applicant has requested the ability to build units but not occupy them prior to the road abandonment. Both staff and the applicant agree that the applicant should be able to pursue site preparation activities prior to the abandonment.

Lighting and Landscaping

The applicant has received approvals to use a new light fixture in section of the site that have been previously approved and are under construction. It is hoped that this and other applicants may be able to use this light fixture in future sections. Staff is in the process of reviewing the light fixture and determine situation for its use. A draft Clarksburg Streetscape plan and a streetscape working group are current venues for these discussions.

PROJECT DESCRIPTION:**Surrounding Vicinity**

Clarksburg Town Center is a neo-traditional subdivision that proposes residential and commercial development in blocks with street trees and sidewalks and open spaces. The headwaters of the Little Seneca Stream Valley create the basis of the open spaces preserved internally. The Greenway Trail will be along the edge of this Stream Valley and it will eventually connect to the north to Little Bennett Park and south to the remainder of many Clarksburg projects currently under review.

The proposed area is in the northeast quadrant of the entire site that extends from M-NCPPC Kings Local Park to the previously approved Phase I section, approximately mid way into the parcel. The northern boundary adjoins Piedmont Road beyond which is Burnt Hills Road and land zoned Rural Density Transfer and currently developed with SFD housing. An overhead power line extends beyond the property to the east from northwest to southeast.

Clarksburg Road bounds the site to the north. On the opposite side of the road is a vacant parcel possibly slated for a fire station. Further to the west, but still opposite the subject site, are three residential projects in various stages of development. Each of these projects are contributing to the reconstruction of Clarksburg Road on the north side, Clarksburg Town Center will make the improvements to the southern side as it adjoins their property and the Park School Site.

VICINITY MAP FOR

CLARKSBURG TOWN CENTER (8-02014)



Map compiled on October 10, 2001 at 11:47 PM | Site located on base sheet no- 233NW13

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:144,000 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1988

Key Map



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Research & Technology Center
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PROJECT DESCRIPTION: Site Description

The site is a former agricultural field that includes rolling hills and is upland of the Little Seneca Stream Valley tributaries. There is vegetation (trees and other hedgerow growth) in the low lying areas but no significant growth in the field areas. Piedmont Road is currently defined as a prescriptive right-of-way, defined by common use but not dedicated to the public as a right-of-way. The former alignment of Piedmont Road cuts into the proposed development area and the road will be relocated as A-305 as determined with the earlier approved Preliminary Plan.

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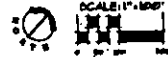


LandDesign

April 5, 2023 LD181000134

CLARKSBURG

OVERALL SITE PLAN
PHASE II



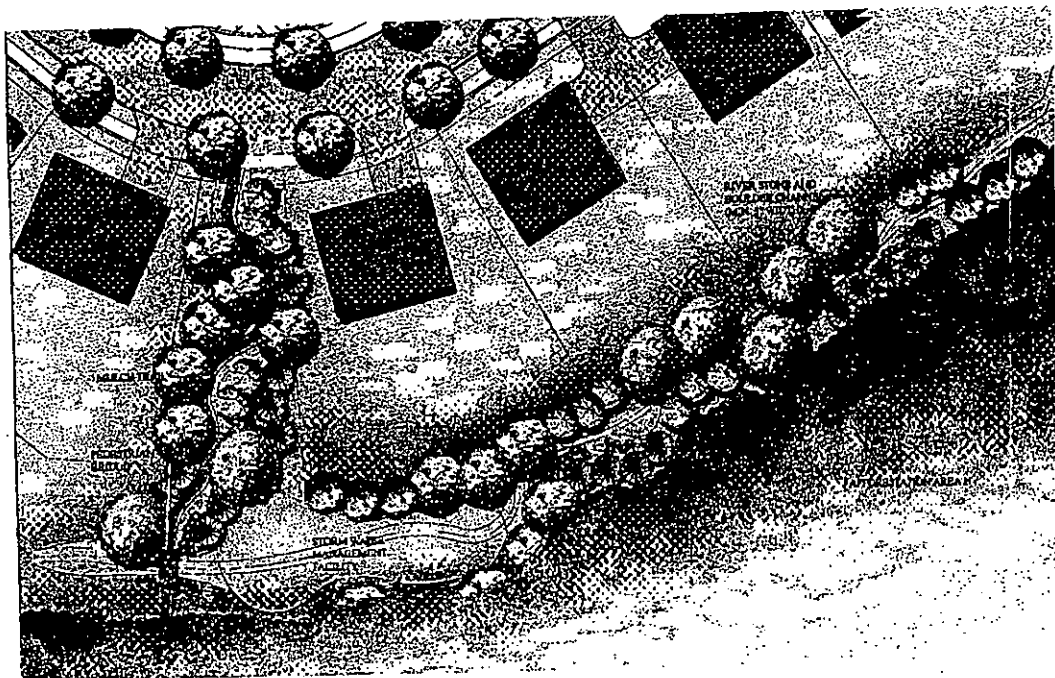
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LandDesign

April 5, 2002 LD1 #2000134

CLARKSBURG

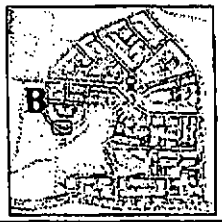
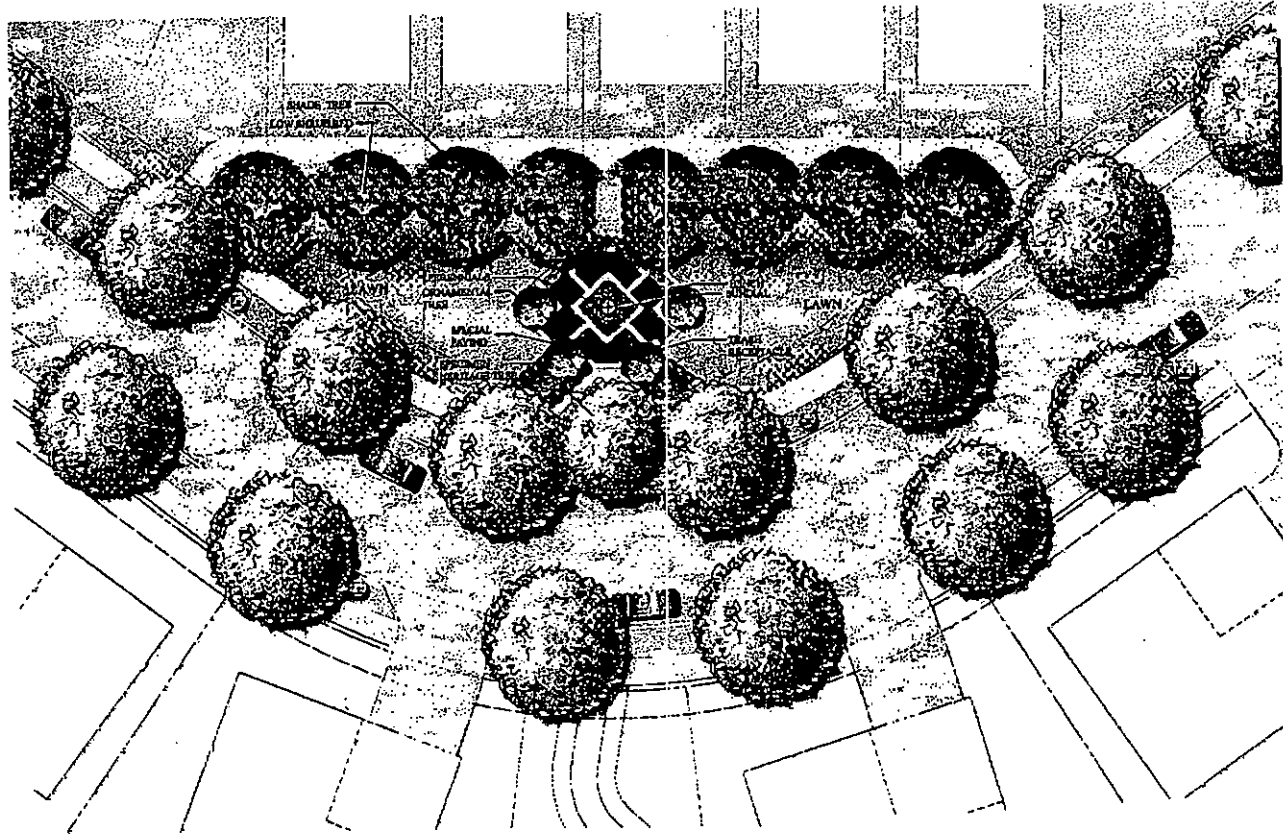
DRY STREAM BED



SCALE: 1"=20'

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B-0204



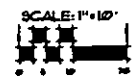
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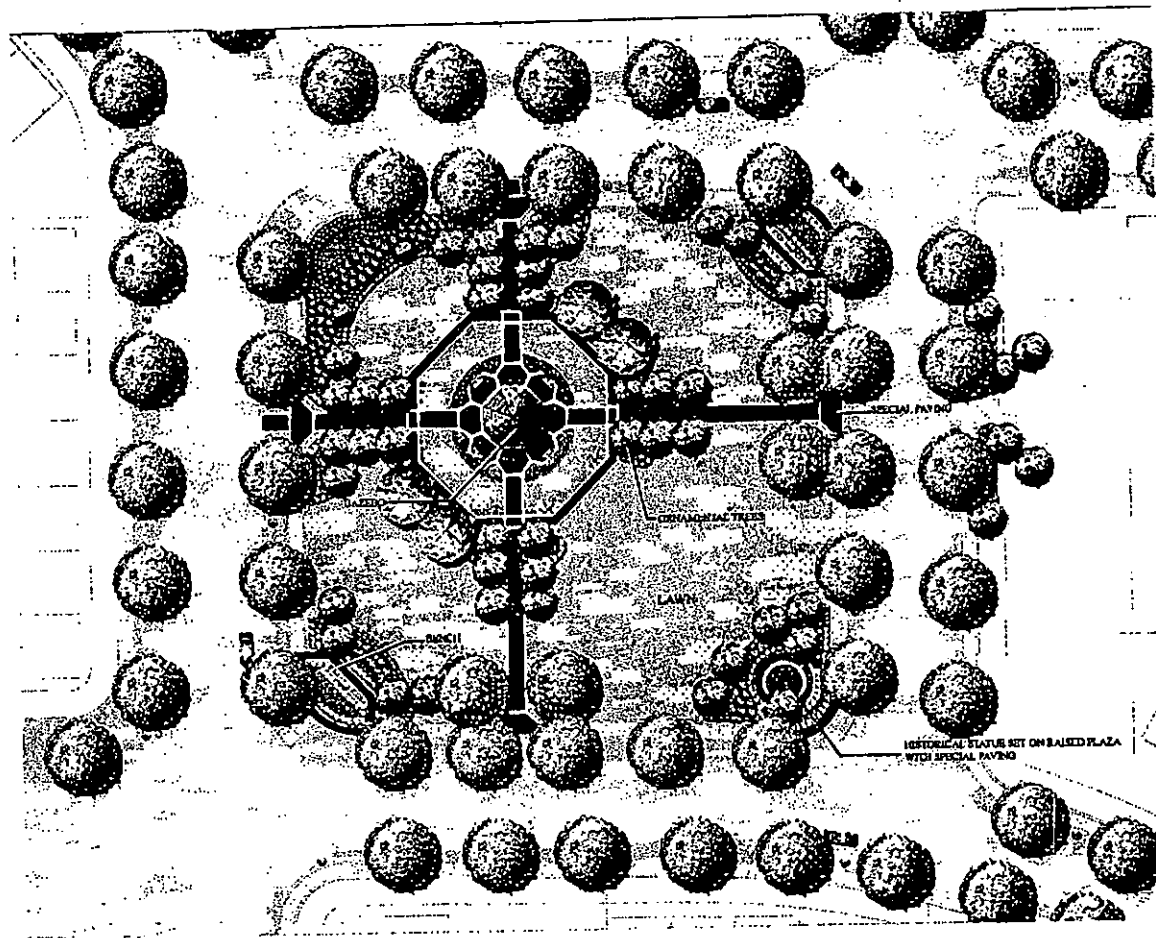
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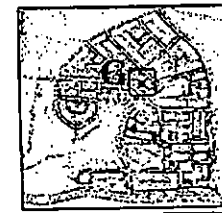
SCENT GARDEN



TERRABROOK™



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LandDesign

CLARKSBURG

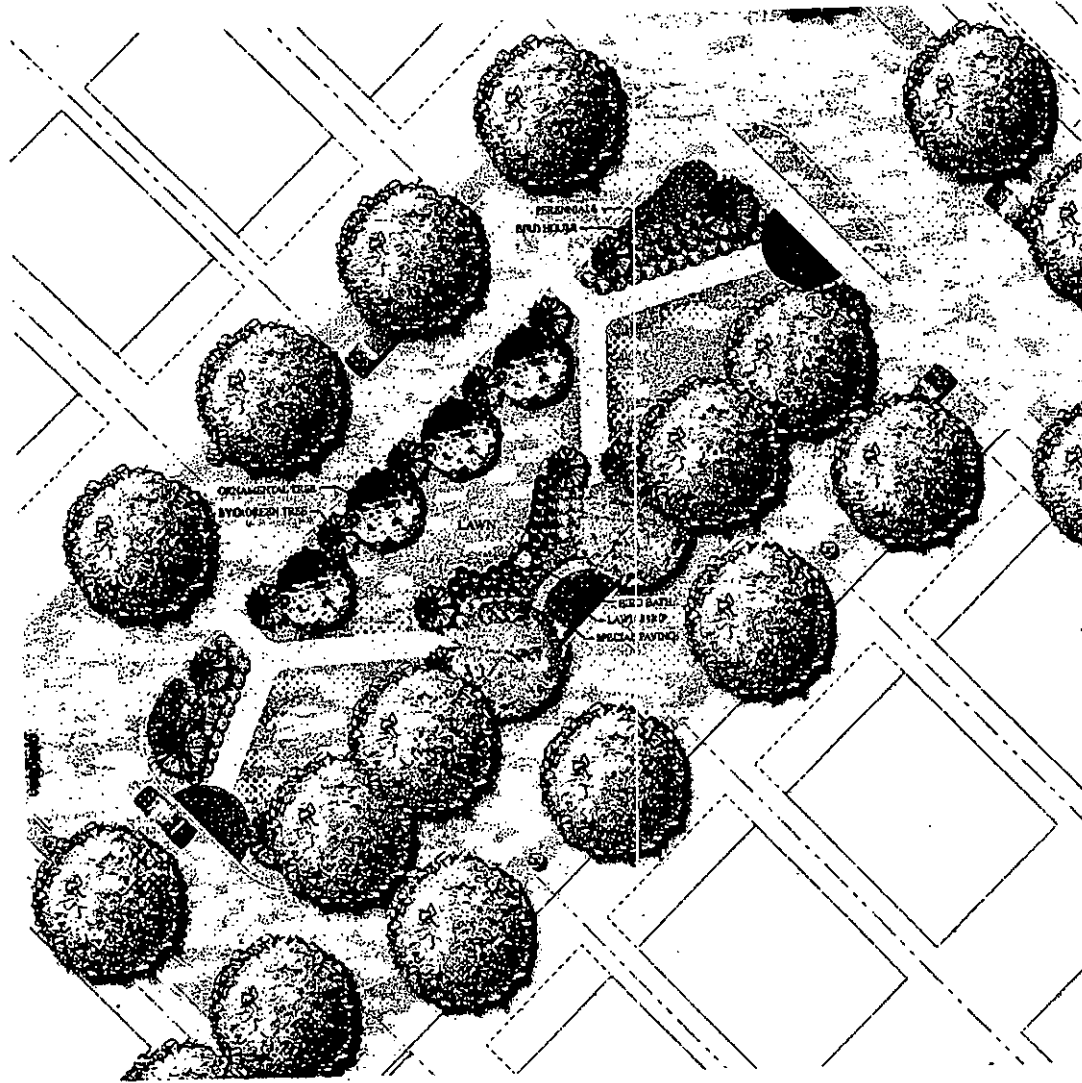
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LandDesign

April 5, 2002 LDI #2000134

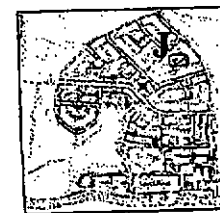
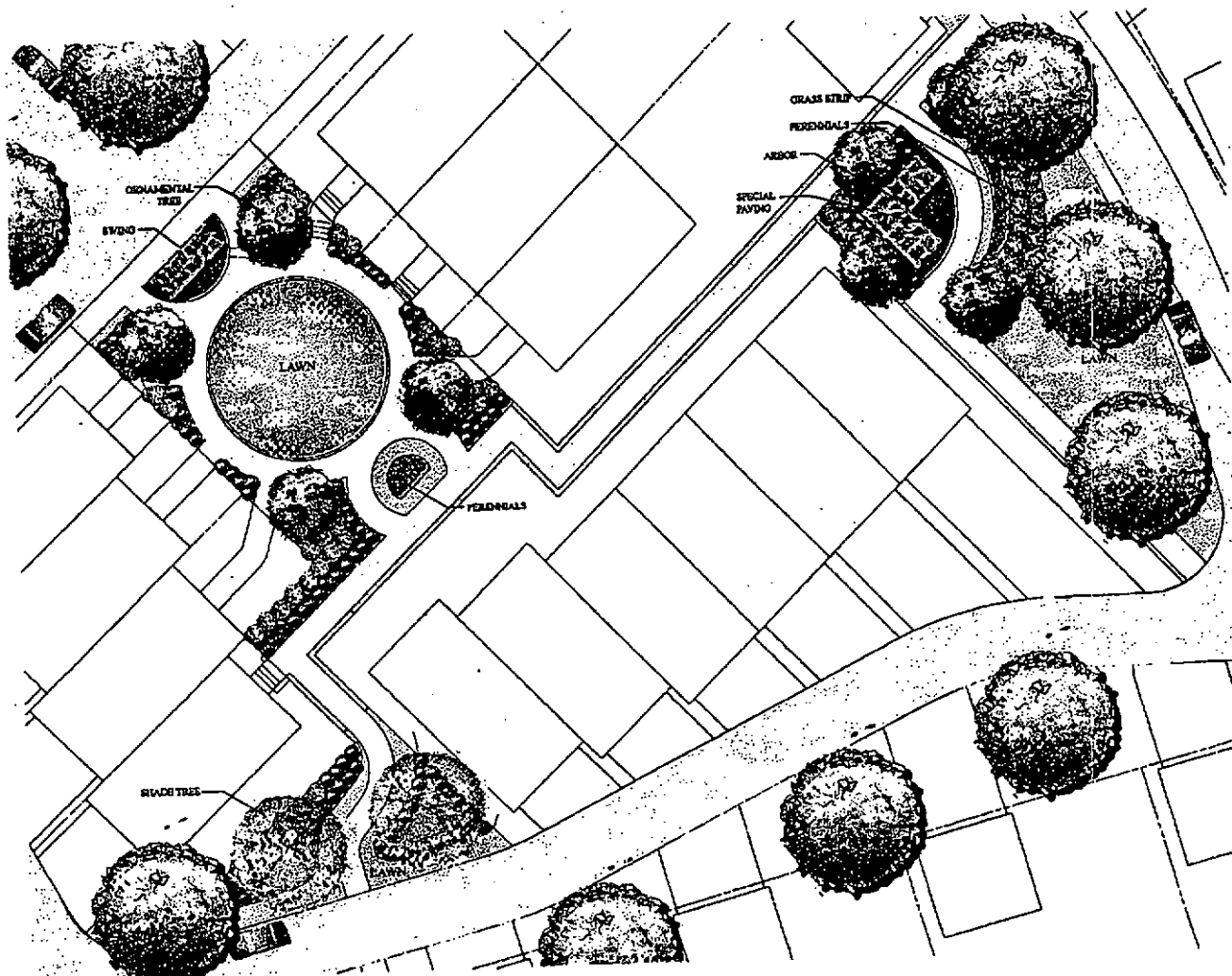
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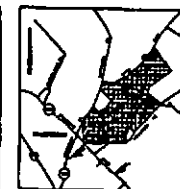
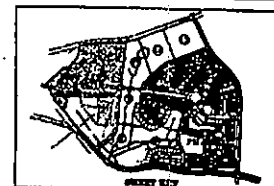
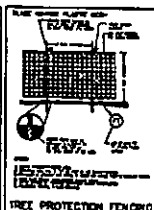
BIRD HOUSE OPEN SPACE



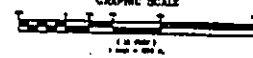
SCALE: 1" = 10'

TERRABROOK™





THIRTY-NINE
GROUPE SCAL

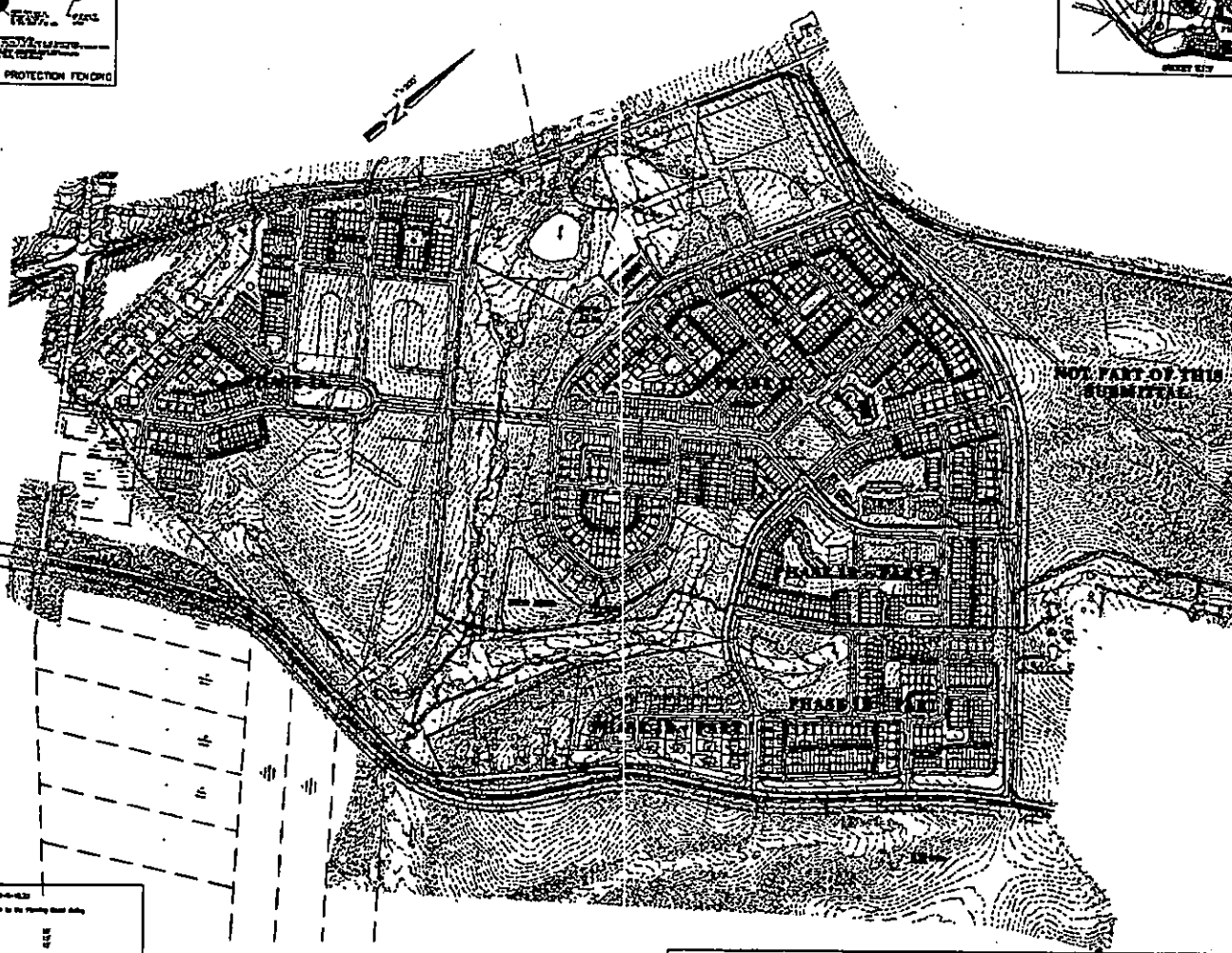


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ATTORNEYS-AT-LAW • 140 FIFTH AVENUE • NEW YORK, N.Y. 10011
TELEPHONE 212-677-1000 • CABLE NEW YORK 2-5444

CPL

CLARKSBURG TOWN CENTER
CLARKSBURG 2ND ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

601



NOT PART OF THIS
SUBMITTAL

PHASE 2: PLAN

WAZIRI, MORTAL OFFICER
I AM THE FIRST AND THE LAST OF THE
MORTAL OFFICERS OF THE ARMY AND THE
FIRST AND LAST OF THE ARMY AND THE ARMY.

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REPORTER'S COMMENT:
I never knew that my manner of writing
would cause a book. No one told me
about this old book.

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STANDARD'S RESPONSE

THE FOLLOWING LETTERS TO THE EDITOR ARE THE RESULTS OF REQUESTS BY THE NATIONAL ASSOCIATION OF PUBLIC DEFENDERS FOR A RESPONSE FROM THE NATIONAL ASSOCIATION OF PUBLIC DEFENDERS TO THE NATIONAL ASSOCIATION OF PUBLIC DEFENDERS.

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Study 2: Results

Page 10 of 10

10-4

1. THE SITE IS LOCATED IN THE CLARKSBURG TOWN CENTER, CLARKSBURG, MONTGOMERY COUNTY, MARYLAND. THE SITE IS A 10.4 AC. PARCEL OF LAND, MORE OR LESS, AS SHOWN ON THE ATTACHED MAP. THE SITE IS BOUND BY THE CLARKSBURG TOWN CENTER TO THE NORTH, THE CLARKSBURG TOWN CENTER TO THE SOUTH, THE CLARKSBURG TOWN CENTER TO THE EAST, AND THE CLARKSBURG TOWN CENTER TO THE WEST.

NO.	DATE	DESCRIPTION
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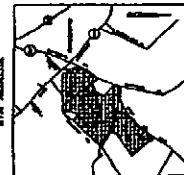
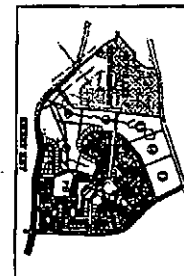
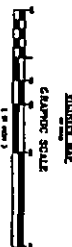
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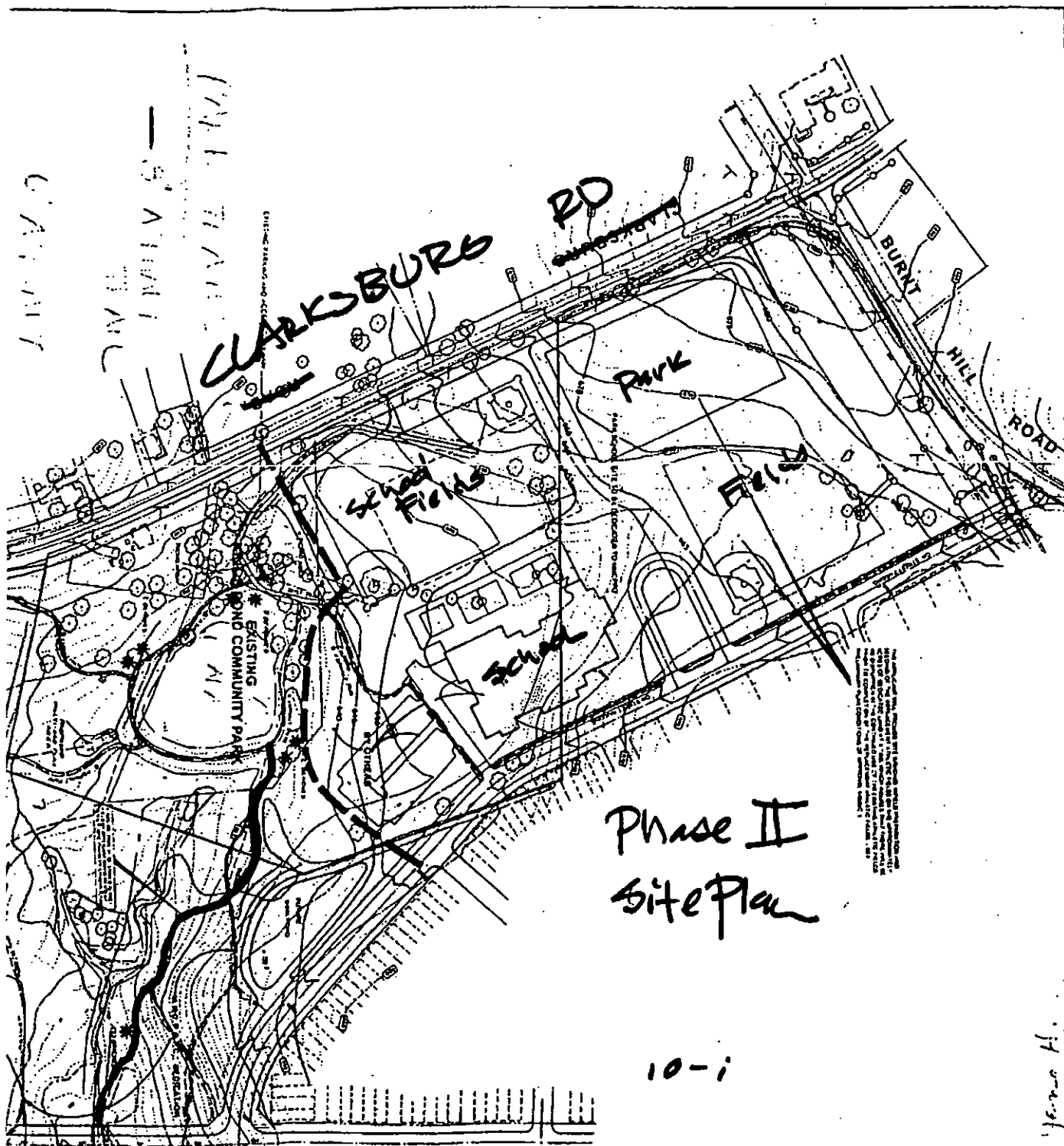
PHASE 3
SITE DEVELOPMENT PLAN
CLARKSBURG TOWN CENTER
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND



CPI

Charles P. Johnson & Associates, Inc.
PLANNING, DESIGN, ENGINEERING, ARCHITECTURE
10000 WOODBURN ROAD, SUITE 100
CLARKSBURG, MARYLAND 20841
(301) 271-1000

Park/School
Site



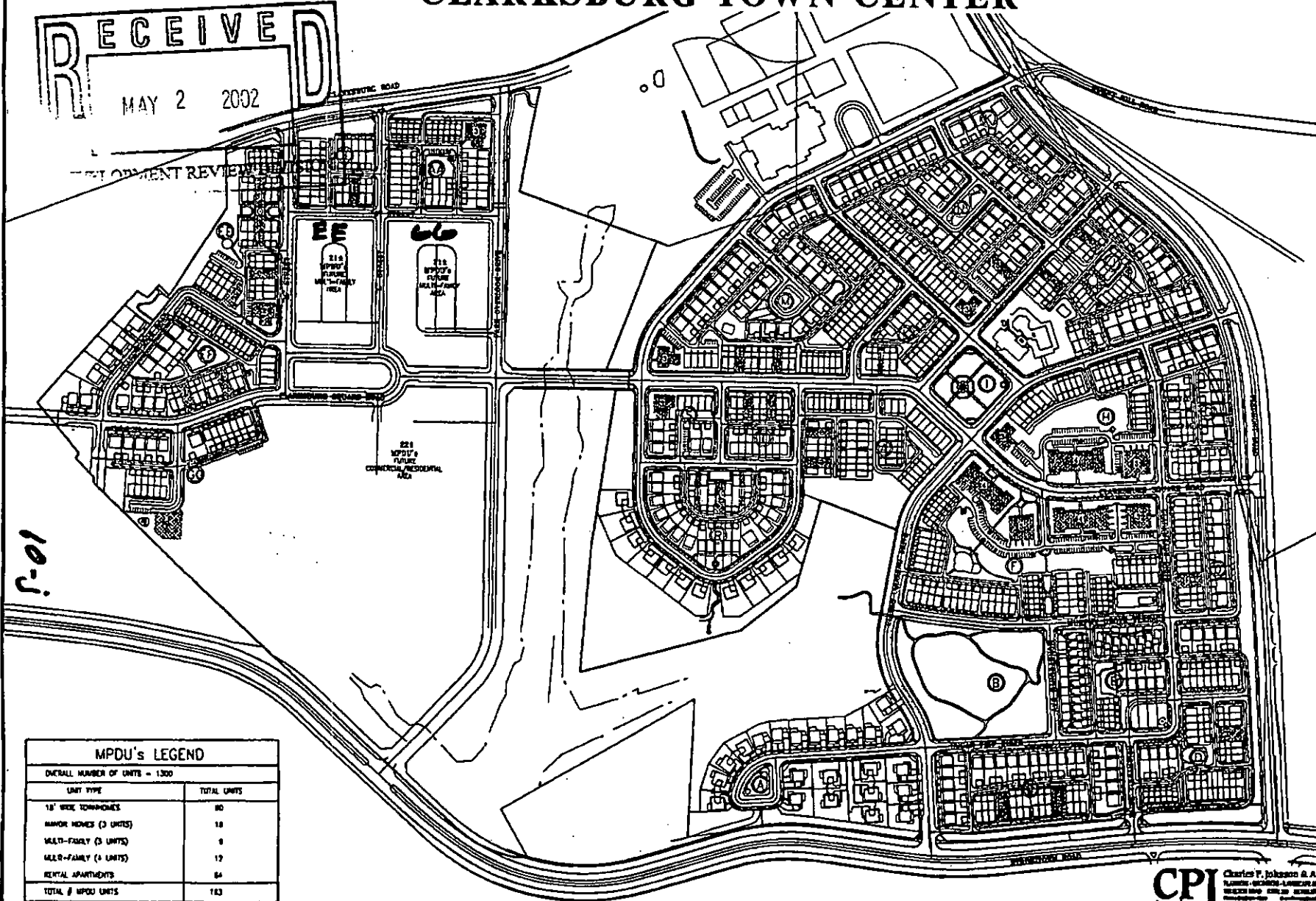
Phase II Site Plan

10-j

if not,

CLARKSBURG TOWN CENTER

RECEIVED
MAY 2 2002



10-J

MPDU's LEGEND	
OVERALL NUMBER OF UNITS = 1300	
UNIT TYPE	TOTAL UNITS
18' WIDE TOWNHOMES	80
SMALL HOMES (3 UNITS)	18
MULTI-FAMILY (3 UNITS)	9
MULTI-FAMILY (4 UNITS)	12
RENTAL APARTMENTS	84
TOTAL # MPDU UNITS	183

PERCENTAGE OF MPDU/MAXIMUM # OF UNITS = 12.23

CPI Charles F. Johnson & Associates, Inc.
PLANNING - ARCHITECTURE - LANDSCAPE ARCHITECTURE - SERVICES
10000 WINDY HILL ROAD, SUITE 100, CLARKSBURG, MD 20611
410-341-1111
APRIL 2002 DWG. 80-08

MPDU LOCATION PLAN

B-2204

PROJECT DESCRIPTION: Proposal

Phase II of the Clarksburg Town Center includes housing arranged in blocks, a community center and "Village Green" on a hilltop and a park/school site. The units proposed include single family detached, townhouse and multifamily units are mixed within blocks and most are accessed via rear alleys with freestanding or integral garages. The multifamily units are developed in "Manor Houses" which look like one large house but actually contain 9-12 apartment/condo type units. The distribution of MPDU's are provided in a seamless fashion within the community in both townhouse and multifamily units.

Main Street extends from the Phase I Main Street area and creates a focal point of the community center and "Village Green." Most all of the units face all the streets or occasionally, an interior court. Service roads are located along the A-305 frontage so units face the surrounding arterials (part of the Project Plan approval). Unit rear yards that adjoin the site boundaries have been reviewed for noise levels and noise fences have been added where required.

Currently the plan shows most of the units with a detached garage at the alley line. Staff supports this configuration because it creates an enhanced definition to the alley that keeps the cars separated from the small yards behind each unit.

The alleys on site have been reviewed for efficiency and their attractiveness as a secondary entrance to each home. To improve the appearance of the alleys, the applicant has proposed accent paving for the driveway entrances to the garages, added landscaping where possible, has clustered garages to provide additional rear yard green space and provided individual lighting for each garage that provides shielded lights to reduce unnecessary light spill.

Landscaping for the project includes regularly spaced street trees, screen planting for side and rear yards, front yard planting for each unit and attractively landscaped courts and sitting areas located throughout the residential blocks. The "Town Square" focal point includes a gazebo and open space sitting areas, shade trees and attractively designed perennial and shrub beds. The lawn areas are graded so to allow for outdoor performances. The neighborhood commons have been designed with sitting and landscaped areas.

Streetscape lighting includes a variation of the "Hagerstown" light fixture. The fixture has been tentatively approved for use by DPW&T for use in Clarksburg Town Center Phase I and includes a solid cap that reduces upward light spill. Further review of the fixture is necessary to review the dark sky qualities and it's suitability for other projects within Clarksburg Town Center.

Green spaces are provided in localized neighborhood greens and in the stream valley areas adjacent the site. Storm water management facilities are scattered around the units and in the downhill areas towards the stream valley. Behind Block "A" a dry stream, developed with rocks and plantings, will handle run-off and create an attractive open space feature.

Parking has been provided on site for each townhouse and single family detached unit. The manor houses (the multifamily unit) will have off street parking in parking bays in the alleys

behind the units. Parallel parking is provided on all the public streets, where feasible, providing for visitor parking and extra resident parking.

PROJECT DESCRIPTION: Prior Approvals

Project Plan # 9-94004 was approved on May 11, 1995 and Preliminary Plan # 1-95042 was approved on September 29, 1995. Below is a synopsis of the earlier approvals and the way they have been addressed in the site plans.

PROJECT PLAN #9-94004 CONDITIONS**SITE PLAN RESPONSE**

1. Density limited to 1,300 du; 150,000 sf of retail and 100,000 of office	Phase I – 768 du's approved Phase II – 463 units proposed
2. Transportation Improvements	Conforms to staging plan finally determined in the Preliminary Plan
3. Dedicate and Construct A-305 (Mid County Highway)	Dedication as required, prescriptive R.O.W. shifted to site boundary; construction phasing per Preliminary Plan
4. Dedication and construction of A-260 (Stringtown Road)	Dedication as required; construction phasing per Prelim Plan
5. Environmental Improvements prior to Prelim Plan	SPA Approval
6. Environmental Improvements: reduce disturbance to stream buffers, etc; identify SWM facilities at time of Prelim Plan within applicant's facilities	SPA approval; SWM concept approved
7. Park School: final concept plan and related terms and conditions to be finalized with Prelim Plan	Grading Plan under preparation to conform
8. Historic Preservation: Min width of ROW on Redgrave place; provide sewer easements; John Clark memorial space; provide ROW and moving expenses to move the historic house in the way of Main Street	Addressed in Phase I Site Plan
9. Compatibility to Church and adj residences in historic district	Addressed in Phase I Site Plan
10. Revised Street Layouts: Town Square Loop; Stringtown Road frontage; no access to elem school from Greenway Road; Revise access to A-305 at Burnt Hill Rd; use private drives next to A-305; receive waivers prior to SP approval	Phase I addressed Town Square Loop; Stringtown Road frontage; remainder addressed with Phase II site plan
11. Staging of amenities	Greenway amenities to be constructed with Phase I
12. Landscaping : Streetscape; buffer areas adj to arterials; SWM areas	On Site Plan
13. Maintenance by HOA	HOA established with Phase I Site Plan
14. Additional Access to A-260 and A-27	Provided in Phase I Site Plan

PRELIMINARY PLAN # 1-95042**SITE PLAN RESPONSE**

1. Density limited to 1,300 du; 150,000 sf of retail and 100,000 of office; Tran Memo of 9/26/95; record plat phasing sched	Site Plans conform; per earlier record plat phasing approval
2. FCP conformance	Per each site plan review and approval
3. Commercial area pond outside stream buffer	Per Phase I approval
4. Ag areas out of production	Prior to Phase I construction
5. Road dedications	As recorded
6. Dedication of Park School site with detailed provisions	Per Phase II site Plan - see discussion above in Issues Resolved During Site Plan Review
7. Applicant to enter into agreement to grades, etc ball fields	Per Phase II Site Plan
8. Record Plats to delineate conservation areas	Per Phase I and II record plats
9. No clearing or grading prior to SP approval	Borrow and storage areas approved by Planning Board at time of record plat phasing revisions
10. Final # and loc. of units at time of SP	Adjustments made as needed
11. Access and improvements as required	Per site plan per phasing plan
12. Conditions of MCDEP Memo of 7/28/95	Addressed in the FWQ Plan
13. Final # on MPDU's to be determined with site plan	Phasing schedule to be provided to Planning Board
14. Prelim Plan approval tied to Proj Plan	Site Plans follow conditions as determined
15. Other necessary easements	As required
16. Building Permit Schedule	SPEA to include
17. Validity Period	Site Plans Conform

ANALYSIS: Conformance to Master Plan

The earlier project plan approval # 9-9404 has established the plan conformance with the Master Plan. The land use, circulation and urban design objectives have been met.

Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors

Silver Spring, MD

Frederick, MD

Fairfax, VA

CPJ

Associates

May 02, 2002

Wynn Witthans
MNCPPC
8787 Georgia Avenue
Silver Spring, MD

Re: Clarksburg Town Center
Phase II
8-02014

Dear Mrs. Witthans,

On behalf of our client, Terrabrook we are requesting a waiver for lots fronting on a public right of way as required by the zoning ordinance. The lots in question are 39 and 40 Block N (as shown on our site plan) and they have access to both a private drive and private alley. It is our understanding that Montgomery Count DPS is requiring us to change the road in front of these units from a public to a private street, therefore creating this condition.

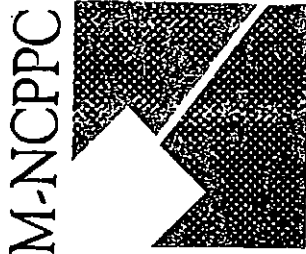
Thank you for your consideration in this matter.

Sincerely,


Lesley W. Powell

LWP/grw

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MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

May 2, 2002

TO: Wynn Withans, Development Review
FROM: Doug Powell, Park Planning and Resource Analysis
SUBJECT: Clarksburg Town Center, Site Plan #8-02014.

Park Planning and Resource Analysis staff has reviewed the above-referenced Plan and requests certain **CONDITIONS OF APPROVAL** as set forth below

- Applicant to provide site grading, infield preparation and appropriate seeding for construction of a full sized softball field (foul lines of at least 290') and construction of a full sized soccer field (360' by 220'). Fields to be constructed to park standards and specifications, and are to be located on land being dedicated to M-NCPPC which is adjacent to, and north of the current boundary of Kings Local Park. Applicant acknowledges that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first. Exact location and orientation of the fields to be coordinated with M-NCPPC staff. **This condition can be facilitated by adding the following to your memorandum:**
 - a. "Regarding the ball fields,
 - a. Applicant will not disturb the two existing athletic fields at Kings Local Park, or cause them to be unusable, until at least such time as the two new fields are operational.
 - b. Condition # 6 from approved Preliminary Plan # 1-95042 shall apply as follows:
 - 1. Applicant acknowledges that there is sufficient earth material on site to construct both fields and agrees to construct the two fields upon commencement of construction of Street "F" referenced in the Preliminary Plan approval, or prior to construction of the proposed elementary school, whichever occurs first.

2. The exact location and orientation of the fields to be coordinated with M-NCPPC staff.
3. The softball field to be full sized with foul lines of 290 feet.
4. The soccer field to be full adult size with dimensions of 360' by 220'."

- Applicant to construct paved hiker/biker trails in the following locations:

- a. Along the east side of Overlook Park Drive from Stringtown Road to Clarksburg Road (Route 121). This trail will be aligned to meet the Clarksburg Greenway Trail from the south side of Stringtown Road.
- b. From the Clarksburg Greenway Trail along Overlook Park Drive to the Kings Local Park pond trails (two connections to the pond trail).
- c. Along the south side of Clarksburg Road from the pond area trails to the intersection with Piedmont.
- d. Along the south side of Piedmont from Clarksburg Road to Street "F".
- e. Along the west side of Street "F" from Piedmont to Main Street and continuing along Main Street to the Greenway Trail along Overlook Park Drive.

Trails are to be constructed to park standards. Exact trail alignments and widths to be coordinated with M-NCPPC and DPWT staff, and should be appropriately located and landscaped to maintain a park like setting while also fulfilling the need for safe, off road transportation in the area.

ANALYSIS: Conformance to Development Standards for the RMX-2 Zone

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):	30 ac.	77.61 AC Phase II 270.16 AC Total CTC parcel
Density (dwelling/acre):		
Dwelling Units:	1,300 total	487 du
One-family detached		
One-family attached Townhouse		
Multiple-family		
TOTAL		
Moderately-priced DU's included (see discussion ahead)		
Min Green area outside of amenity area (total for site)		
Min. W/in Commercial portion of site	15%	n/a
Min. w/in residential portion of the site	50%	52.4%(40.68 Ac)
Building height:	4 stories	4 stories
Min.Residential Density	30 du/ac	11.9du/ac (1,300 du/109.17 ac)
Min. Bldg Setbacks (ft.):		
From One Family Zone		
Commercial bldgs	100 ft.	n/a Phase III
Residential bldgs	100 ft.	n/a
From Any Street		
Commercial bldgs	n/a	n/a Phase III
Residential bldg	n/a	10 ft min*
Parking:		

Total @ 2/du for TH & MF (SFD pkg provided on lots)	668	668
		264 off street
		404 Garage
Standard	654	654
Handicapped-accessible	14	14
(On street parking not included)		

* The Planning Board reviewed this setback during the Project Plan review and found that no setback is necessary per the approved Master Plan.

MPDU CALCULATIONS:

MPDUs required : 163 (12.5% of 1,300 units)
 MPDUs provided: Phase I: 96 Phase II: 45 Subtotal: 141 MPDU's for
 1,231 units or 11.45 %

With the approval of this Phase II Site Plan, the MPDU provision is slightly behind the number of units approved. To balance out the number of MPDU's with the number of units approved, a portion of units within Phase I are proposed to be delayed in construction. These 150 (approximately) units are identified as Block EE and GG on the MPDU Phasing Plan of May 2, 2002. These blocks are intended to be revised by the applicant in the future and returned to the Planning Board for re-approval. When the final section of Phase III retail and the residential and the revised Phase I residential uses are reviewed by the Planning Board the full measure of MPDU's will be supplied to the project.

RECREATION CALCULATIONS:

The recreations calculations have been re-assembled with the previously approved sections of CTC Phase I because of the contiguous nature of the development. The calculations do not diminish the earlier approvals as they are based on the same number of units.

RECREATION FACILITIES WORKSHEET

Clarksburg Town Center
Phases 1B1, 1B2, 1B3 & 2

DEMAND POINTS PER POPULATION CATEGORY

HOUSING TYPE		D1	D2	D3	D4	D4
S.F. III	229	32.1	43.5	41.2	295.4	16.0
Townhouses	476	80.9	104.7	85.7	614.0	33.3
Garden/Multi-Family	230	25.3	32.2	27.6	271.4	36.8
TOTAL DEMAND	935	138.3	180.4	154.5	1,180.8	86.1

SUPPLY POINTS PER FACILITY

FACILITY	D1	D2	D3	D4	D5	
Seating Areas (31)		31.0	31.0	46.5	155.0	62.0
Mult-Age Play (3)		27.0	33.0	9.0	21.0	3.0
Tot Lot (2)		18.0	4.0	0.0	8.0	2.0
Open Play II (2)		12.0	18.0	24.0	60.0	4.0
Swimming Pool (1)		7.4	35.9	30.8	287.5	12.7
Wading Pool (1)		20.1	8.8	0.0	57.5	4.2
Community Space (1)		13.4	26.3	45.1	345.0	33.8
Indoor Fitness (1)		0.0	17.5	15.0	230.0	12.7
Soccer Field (1)		2.0	15.0	20.0	40.0	2.0
Baseball Field (1)		2.0	15.0	20.0	40.0	2.0
Nature Trail		6.7	17.5	22.5	172.5	12.7
Nature Area		0.0	8.8	15.0	115.0	4.2
Bike System		6.7	17.5	22.5	172.5	8.4
Pedestrian		13.4	35.0	22.5	517.5	38.0
TOTALS		159.7	283.3	292.9	2,221.5	201.7

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with the approved Project Plan # 9-9404 approved May 11, 1995 for the optional method of development as required. See conformance analysis above.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Buildings

The proposed layout of buildings and the arrangements of open spaces create a traditional neighborhood that orients building towards the tree and sidewalk lined streets and provides for common open areas to enjoy natural or more designed open spaces. The variety of buildings: single family detached and townhouses and multifamily, all add interest to the community and provide for a variety of living opportunities.

The MPDU's are truly mixed within the subdivision by type and location so they are a seamless part of the community. Recreation facilities are dispersed throughout the neighborhood and allow for a variety of recreational experiences.

The location of the Community Building and pool on the hilltop provides a focus for the community visually and functionally in its central location. A well designed gazebo and adjacent landscaped areas further promote the function of the civic space.

b. Open Spaces

Open spaces are provided within the development and in the adjacent stream valleys. Within the developed areas, the open spaces provide for sitting areas, walks, and buffers between development. In the stream valleys, the open spaces are used for mitigation of environmental impacts, recreation, buffering of environmentally sensitive areas, and forest preservation.

Stream Buffers

Stream buffers per the Environmental Guidelines have been protected, with the exception of unavoidable minor intrusions to tie out grades from a few of the houses and on the park-school site. These intrusions have been minimized and mitigation for the impacts is required. None of the impacted stream buffer areas are currently forested, but all will be reforested.

Stormwater Management

Stormwater management is provided by several on-site water quantity and quality facilities which have been required as part of the review and approval of the SPA Water Quality Plan. Water quality control will be provided by an extensive series of Best Management Practices (BMP's) including; sand filters, bioretention, clean water recharge; and grass swales. These facilities are linked together with the quantity control facilities that consist of two dry ponds. A portion of Phase II also drains to the wet pond that was approved in the Phase I site plan. The linked stormwater management facilities provide extraordinary and redundant stormwater management controls.

Noise

Significant noise impact affecting exposed rear yards of houses along A-305 have been mitigated to the extent feasible by noise fencing. Interior noise levels within all of the units along this roadway will be addressed by appropriate building design and construction.

c. Landscaping and Lighting

Landscape design for the project includes regularly space street trees, foundation planting, open area buffer planting and alley planting. The landscaping on the site creates attractive street to encourage walking and it creates an attractive setting for the units. The public open spaces (play and sitting areas, the central open space) are developed with extensive landscaped areas and each garden has a design theme to enhance its character.

Lighting for the plan includes a new light fixture – the Hagerstown fixture- has been approved on a pilot basis in other section of Clarksburg. The light fixture is consistent with use in residential area and darks sky concerns. Staff supports the applicant's desire to gain approvals from DPS to use this fixture throughout the project. The alleys will include individual light fixtures on each garage to maintain low levels of light.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above.

e. Vehicular and Pedestrian Circulation

The street connections to the site are in accordance with the approved Preliminary Plan, and the layout provides a grid for an interconnected vehicular system.

Pedestrian paths and sidewalks follow the street system and create a similarly efficient vehicular system. The adjacent and integral park system includes a bike system that creates bike connections alongside the Greenway Trail and connects to Little Bennett Park. Bikepaths are on the Clarksburg Town Center side of Piedmont Road and Clarksburg Road and provide a seamless system of bike transport for commuting and recreation.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The buildings are compatible to each other in their orientation to the street and similar massing and patterns. The housing proposed is similar to other housing projects in the area – it was the first project to receive approvals and begin construction and has set the tone for the area.

Buffers have been provided along road frontages, behind visible building rear yards as required:

The activity associated with the proposed residential and recreations uses will not cause any negative effect on surrounding residential and agricultural land uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest Conservation requirements for this phase of the development include preservation of existing forest within and adjacent to the greenway, and reforestation of the unforested stream buffer areas on the entire site. The forest conservation areas will be protected either by park dedication or Category I conservation easement. In addition to the reforestation required by the law, reforestation is required to mitigate for encroachments into the stream buffers with grading as mentioned above. This reforestation will be provided at a rate of two times the areas of encroachment.

APPENDIX

- A. Standard conditions dated October 10, 1995
- B. MCPS Letter 5/2/02
- C. EPD Memo 5/2/02
- D. MCDPS Memo 5-02-02
- E. Waiver request 5/2/02
- F. Parks Memo 5/0202

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 6) Coordination of each section of the development and roads.
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - b. Site Plan Enforcement Agreement to reference applicable road construction phasing and park/school agreements.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Undisturbed stream buffers at least 150 to 240 feet wide as shown on the site plan.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.
 - d. Forest Conservation areas.
 - e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.
 - f. Conditions of DPS Final Water Quality and Stormwater Management Concept approval letter.

- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - h. The development program inspection schedule.
 - i. Category I conservation easement and park dedication boundary.
 - j. Streets trees as shown all public streets.
 - k. Centralized, screened trash areas for all multi-family and one-family attached units except townhouses.
 - l. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes with side yards facing A-305.
- 3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - 4. No clearing or grading prior to M-NCPPC approval of signature set of plans.



850 Hungerford Drive • Rockville, Maryland • 20850-1747
Telephone (301) 278-3425

May 2, 2002

Mr. Arthur Holmes Jr., Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Holmes:

Re: Clarksburg Town Center – Site Plan 8-02014 Phase 2

This is to comment on the referenced site plan as it concerns the future elementary school that is to be dedicated to the Board of Education.

We appreciate the recent efforts of M-NCPPC staff and the developer to address our concerns of storm water management, forestation and grading. The developer has agreed to enlarge the storm water management facility to serve the school and configure the property lines to separate it from the future school site. Forestation areas are to be provided off site by the developer. The developer has also agreed, and M-NCPPC concurred, that grading near the existing pond will be modified to provide more buildable area on the school site.

However, we are still concerned about the extensive grading that will be required to make the site a buildable one. Our concerns focus on two grading areas, the adjacent ballfields and the school site itself.

Adjacent ballfields

Current plans call for the construction of two ballfields that will be dedicated to the M-NCPPC. Plans call for a ten-foot grade difference between these fields and the school property, necessitating the construction of a retaining wall. Montgomery County Public Schools requests that as a condition of the site plan approval, the applicant be required to re-configure the ballfields, locating them further from the school property line, or if this is not feasible, construct an adequate retaining wall to accommodate the difference in grade.

Grading of school site

In developing Terrabrook, the final grades are such that in order to build the school, including the playgrounds, driveways and parking areas, approximately 20 –23 feet of fill dirt will be required across the bulk of the property. This is an unacceptable additional expense and constitutes a condition of excessive grading. In fact, the Montgomery County Council has in the past directed the Board of Education to ensure that any proposed dedicated school sites are usable and will not require major expense to develop. Since

Department of Facilities Management
7361 Calhoun Place – Suite 400
Rockville, Maryland 20855

the applicant was not required to complete a final grading study until site plan, this condition was not known at preliminary plan.

As stated in the Montgomery County Code, Section 50-30 (d and e):

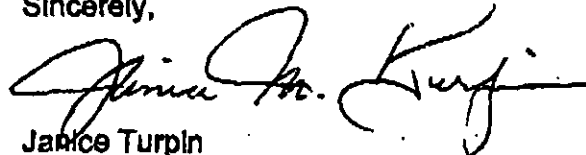
"Unless the applicant agrees to pay for additional site preparation costs, a site may be refused as unsuitable because of natural features if site preparation work for the intended public use will require significant excavation of rock, excessive grading or the grading steep slopes, remedial environmental measures or similar work."

"... if the Board finds that the same can be lessened by a rearrangement of lots and streets or other platting devices, the board may require that the subdivision be so rearranged ..."

MCPS requests that as a condition of site plan approval, the applicant provide adequate engineered fill for the building and rough grade the remainder of the school site to allow school construction at reasonable cost. Alternatively, if this cannot be done, MCPS will consider another site within the subdivision.

Thank you again for your cooperation and assistance. If you need additional information, please contact me at 301-279-3131 or Mary Pat Wilson, site administration specialist at 301-279-3009.

Sincerely,

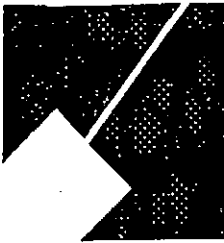


Janice Turpin
Real Estate Management Team Leader
Department of Facilities Management

JMT:mpw

Copy to:

Mr. Hawes
Mr. Burke
Mr. Shpur
Mr. Davis
Ms. Withans
Ms. Schmeleler



May 2, 2002

MEMORANDUM

TO: Wynn Witthans
Development Review Division

FROM: Cathy Conlon *CAC*
Countywide Planning Division-Environmental Planning

SUBJECT: Clarksburg Town Center, Phase II – Site Plan No. 8-02014

Recommendation

Environmental Planning staff have reviewed the above-referenced plan and required Water Quality Plan. We recommend approval of the Water Quality Plan with the conditions of the MCDPS memo, and approval of the site plan with the following conditions:

1. Development Program to include a phasing schedule as follows:
 - a. Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - b. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - c. Phasing of site clearing and grading to minimize soil erosion.
 - d. Phasing of stormwater management and forest planting.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Undisturbed stream buffers at least 150 to 240 feet wide as shown on the site plan.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection.
 - d. Forest Conservation areas.

- e. Location of stormwater facility and storm drain outfalls away from forest preservation or other environmentally sensitive areas.
 - f. Conditions of DPS Final Water Quality and Stormwater Management Concept approval letter.
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - h. The development program inspection schedule.
 - i. Category I conservation easement and park dedication boundary.
 - j. Streets trees as shown all public streets.
 - k. Details for and location of noise fencing to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor back yard area of homes with side yards facing A-305.
- 3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - 4. No clearing or grading prior to M-NCPPC approval of signature set of plans.
 - 5. Record plats to reflect delineation of a Category I Conservation easement which includes the stream/wetland buffers and forest conservation areas, as shown on the site plan, that are not part of the park dedication area.
 - 6. Final erosion and sediment control plans shall be submitted to Environmental Planning staff for review and comment prior to approval by MCDPS.
 - 7. The Final Forest Conservation Plan must be approved and bonded prior to issuance of the sediment and erosion control permit.
 - 8. The outfall from Pond #3, and any other stormwater management facility or storm drain outfalls which extend into the environmental buffer, shall be field located by applicant's representative, MCDPS, and MNCPPC Environmental Planning staff prior to approval of the stormwater management/sediment control permits by MCDPS.
 - 9. MNCPPC Environmental Planning staff shall review and approve detailed design plans for any wetland mitigation sites within the environmental buffers prior to issuance of sediment control permits or authorization to clear and grade any of these facilities.

10. Environmental Planning staff must review and approve final grading and limits of disturbance for the park-school site. If grading encroachment into stream buffers is approved as part of this review, compensation with reforestation planting at a rate of 2:1 will be required. This is in addition to other forest conservation planting requirements.

Site Conditions

The subject property consists of a portion of the town center site which is located at the headwaters of one of the main branches of Little Seneca Creek, a Use Class IV-P stream. A large part of the site is existing agricultural field. Approximately 9 acres of wetland, 15 acres of floodplain, and 54 acres of forest exist within or in proximity to the stream valleys. The portion of the site covered by this site plan contains two tributary streams. On-site topography slopes significantly from the high point of this section of the plan down to the stream valleys. The stream valleys are moderately steep.

Discussion of Environmental Findings

Special Protection Area Guidelines

The Board has adopted guidelines for Park and Planning Department review of projects within SPA's. These guidelines focus on expanding wetland buffers, expanding and accelerating forest conservation opportunities, and limiting site imperviousness levels. They have been addressed by the site plan in the following manner:

BUFFERS – Stream buffers per the Environmental Guidelines and priority forest conservation areas have been protected with the exception of unavoidable intrusions to tie out grading from a few lots and on the park-school site. The intrusions occur in unforested areas and have been minimized. Mitigation for the impacts will be provided by 2:1 reforestation.

FORESTATION – All unforested stream buffers will be reforested using larger stock to minimize the time to canopy closure. A 5-year maintenance program is required to better ensure survival of the planting.

IMPERVIOUSNESS – Imperviousness within the town center far exceeds the level which is desirable in the headwaters of a sensitive watershed such as Little Seneca Creek. Maximum effort has been made to reduce the amount of imperviousness given the proposed development pattern. Hope for reducing the impact of the excessive impervious surfaces lies in providing extraordinary stormwater management facilities and BMP's for all runoff from these surfaces.

Water Quality Plan

The Final Water Quality Plan for the town center addresses the Performance goals established during pre-application review, outlines the strategies that will be employed to meet these goals, and includes a detailed plan for water quality monitoring of the streams before, during and after construction. The performance goals include: protection and enhancement of stream channels and associated aquatic habitat; minimization of stormflow runoff increases; minimization of increases to ambient temperature and sediment loading within streams; maintenance of stream base flow; and protection of springs, seeps and wetlands. The strategies employed to meet these goals include: retention and replanting of forest in stream valleys; stringent and redundant sediment control measures; linked stormwater management quantity and quality facilities which provide redundant controls; and BMPs including sand filters, bioretention, clean water recharge, and cool water infiltration and recharge.

Staff concurs with MCDPS that the proposed Final Water Quality Plan meets the SPA requirements for development and grading within the site and for portions of the perimeter arterial roads. We recommend conditional approval of the plan.

Adequacy of Stream Buffers

Stream buffers per the Environmental Guidelines have been protected, with the exception of unavoidable minor intrusions to tie out grades from a few of the houses and on the park-school site. These intrusions have been minimized and mitigation for the impacts is required. None of the impacted stream buffer areas are currently forested, but all will be reforested.

Adequacy of Stormwater Management

Stormwater management is provided by several on-site water quantity and quality facilities which have been required as part of the review and approval of the SPA Water Quality Plan. Water quality control will be provided by an extensive series of Best Management Practices (BMP's) including; sand filters, bioretention, clean water recharge; and grass swales. These facilities are linked together with the quantity control facilities which consist of two dry ponds. A portion of Phase II also drains to the wet pond that was approved in the Phase I site plan. The linked stormwater management facilities provide extraordinary and redundant stormwater management controls.

Noise Mitigation

Significant noise impact affecting exposed rear yards of houses along A-305 have been mitigated to the extent feasible by noise fencing. Interior noise

levels within all of the units along this roadway will be addressed by appropriate building design and construction.

Forest Conservation

The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation. Requirements for this phase of the development include preservation of existing forest within and adjacent to the greenway, and reforestation of the unforested stream buffer areas on the entire site. The forest conservation areas will be protected either by park dedication or Category I conservation easement. In addition to the reforestation required by the law, reforestation is required to mitigate for encroachments into the stream buffers with grading as mentioned above. This reforestation will be provided at a rate of two times the areas of encroachment.

Conformance to the Clarksburg Master Plan

The master plan objectives for development within the Little Seneca Creek watershed include continuously forested buffers, protection and enhancement of wetland systems, water quality monitoring, environmentally sensitive design and construction of development and infrastructure, and maintenance of the environmental qualities of headwaters. The site plan attempts to address these by providing enhanced reforestation in stream valleys and complying with the rigorous stormwater management and water quality standards of the SPA.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

May 2, 2002

TO: Wynn Witthans
Development Review Division - MNCPPC

FROM: Sarah R. Navid *S. Navid*
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #8-8-02014 - Clarksburg Town Center Phase II

We have reviewed the subject site plan and have the following comments:

- Clarksburg Road - the applicant will be responsible for the roadway improvements for one half of the 80' arterial right-of-way from Overlook Park Drive to A-305 (Piedmont Road) in those sections adjacent to the site plan limits. The road will be designed per Standard No. MC-213.04, which includes a 12' wide travel lane, a 12' wide shoulder (4' paved), a ditch, street trees and a bike path along the south side of the road. The bike path will need to be located outside the right-of-way. We will work with MNCPPC and DPWT on the final design details of a possible variable alignment for the bike path along the park and school property. Additionally, left turn lanes (150' minimum length) will be required westbound at Overlook Park Drive and eastbound at A-305. These two intersections will be closed section where the additional lanes are added.
- Piedmont Road (A-305) - the applicant will be responsible for the full roadway improvements within the 80' arterial right-of-way from Clarksburg Road to Stringtown Road per Standard No. MC-213.04. Modifications for auxiliary lanes as needed at the intersections will be indicated by DPS at permit review. The bikepath adjacent to the site will need to be located in a PIE. No sidewalk is required on the east side of Piedmont Road.



Page 2 ~ Wynn Witthans - Clarksburg Town Center Phase II - May 2, 2002

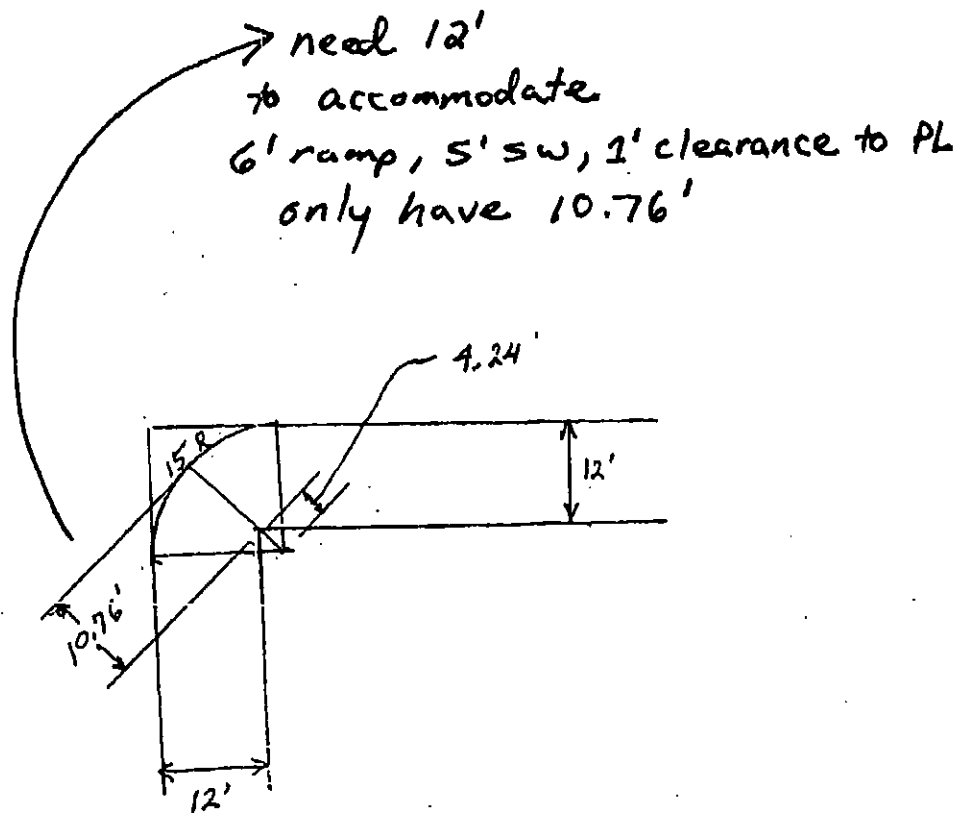
- Block N – the street block adjacent to Lots 39-42 must be private since its only egress is via an alley on the north. We recommend that a waiver be granted to allow single - family houses on a private street. The loop road around the central square should be shown as one-way counterclockwise. A horizontal curvature waiver is needed for the curve on the southwest corner of the square.
- Block M – the loop road around the square will need a horizontal curvature waiver. However, the radius on the curve on the east corner still needs to be increased. The loop road around the square should be shown to operate one-way counterclockwise.
- Grapevine Ridge Road will operate one-way northbound; this should be shown on the plan. The chokers at either end of Grapevine Ridge Road south of Clarksburg Square Road should be eliminated.
- Curb ramps at intersections must meet MCDPWT and ADA dimensions; this may require some additional right-of-way (truncation) at some intersections. The attached drawing shows that where truncations are not provided on tertiary streets, the required space to install the six foot long ramp, a five foot level sidewalk area and one foot of clearance to the property line is not available.

We appreciate the opportunity to comment on this plan.

srn\clarksburgphase2.doc

cc: Tracy Graves
Les Powell
Greg Leck

Attachment Clarksburg Town Center - Phase II





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date of mailing: March 26, 1996

MONTGOMERY COUNTY PLANNING BOARD
REVISED OPINION

Preliminary Plan No.: #1-95042
Name of Plan: Clarksburg Town Center

Action: Approval, subject to conditions. (Motion by Commissioner Aron; seconded by Commissioner Holmes; with a vote of 5 to 0, Commissioners Aron, Holmes, Hussmann, Baptiste and Richardson voting in favor of the motion).

INTRODUCTION

On September 28, 1995, the Montgomery County Planning Board ("Board") held a public hearing to consider Preliminary Plan 1-95042, an application for subdivision approval in the RMX-2 zone. The proposed uses include residential, retail and commercial development. The Applicants, Piedmont & Clarksburg Associates, proposed to create 834 lots on 267.50 acres of land.

At the hearing, the Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented, the Board finds Preliminary Plan 1-95042 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-95042, subject to the conditions listed at the end of this opinion.

BACKGROUND

The property is located northeast of Maryland Route 355 between Clarksburg Road and Stringtown Road (A-260 on the Master Plan). Piedmont Road crosses through the northern portion of the property. The Applicant proposes construction of 1,300 dwelling units, including townhomes, multi-family and single-family residences. The proposal also includes 150,000 square feet of retail space and 100,000 square feet of office/development space.

The underlying development authority, Project Plan No. 9-94004, was approved by the Planning Board on May 11, 1995, after two prior Planning Board meetings (held on April 6 and 20, 1995). The record for Preliminary Plan 1-95042 specifically includes the records from those prior hearings.

DISCUSSION AND FINDINGS

The Planning Department staff evaluated the transportation effects of the subject application as required by the Subdivision Regulations and as recommended in the Master Plan. First, the Board must determine that public facilities, including roads, will be adequate to support and service the area of the proposed subdivision. Staff evaluated the impact of the proposed development on nearby roads and intersections in accordance with the Local Area Transportation Review Guidelines. Necessary local area transportation review improvements for this project are identified in condition #2 for Project Plan No. 9-94004.

The second level of transportation review was based on the Master Plan recommendation that development districts, or alternative financing mechanisms, be implemented prior to new development, to ensure that road infrastructure be provided to support recommended Master Plan development. The Clarksburg Master Plan specifically addressed the County's fiscal concerns that the timing and sequence of development in the area should be responsive to the fact that capital improvements funding required to support new growth will have to come from a variety of sources, including government sources and private development. As part of the Project Plan discussion, the Board requested staff to conduct an analysis of the Master Plan road network, determine the amount of road infrastructure required, evaluate how the roads would be built, and recommend when they should be built.

The Master Plan anticipated a funding shortfall for the construction of schools, local roads and other community facilities recommended in the Master Plan to serve the expected new growth. In response to this, the Master Plan recommended that development in Clarksburg should occur in stages conditioned upon the ability of private developers to fund a significant portion of the infrastructure improvements or the availability of other new sources of revenues. The Planning Board expressed a desire to address the Master Plan's stated need to comprehensively allocate among developers a responsibility to construct portions of road infrastructure in a fair and equitable manner.

To ensure that the Applicant fund its share of road infrastructure, as best can be determined at this time, staff recommended that the Applicant improve Stringtown Road (A-260), to County standards as a two lane road within the Master Plan Alignment, No. 2, as of August 25, 1995. Staff's assessment was based on the 1993 Fiscal Impact Analysis prepared by the Montgomery County Office of Planning Implementation (OPI), as part of the Clarksburg Master Plan review. The OPI study projected a funding gap of approximately \$89 million for required infrastructure. The Study also projected approximately \$37 million in revenues to be generated by the Construction Excise Tax (CET). Since the CET has been repealed, this loss of

anticipated revenue must be added to the capital gap, with a total estimated funding gap of approximately \$126 million. Staff thus estimated the Applicant's share of this infrastructure to be approximately 10 percent, or \$12.5 million, with no County or State input. The Planning Board concluded that the Stringtown Road improvement, which will be the responsibility of the applicant, represents the current best estimate of the Town Center's share of the Master Plan road infrastructure (as more particularly identified in revised traffic staff memo of 09/26/95.)

Staff noted that if the Council adopts an impact tax or other alternative road infrastructure funding mechanism, then the Applicant's contribution (in the form of improvements to Stringtown Road) will be assessed and, if found lacking, will be augmented by additional tax requirements. The Board determined that the infrastructure schemes proposed by the Master Plan are legislative in nature, will be implemented by the Council, and may or may not grandfather development predating any such legislation. The Board concluded that to anticipate the Council's actions would be presumptive, and premature.

MCDOT has requested that the hiker/biker trail shown in the Clarksburg Master Plan along Stringtown Road (A-260) be constructed along P-5 from Frederick Road (MD 355) to Piedmont Road (A-305), in lieu of the Master Plan Alignment. The developer has agreed to construct the hiker/biker trail along P-5.

Applicant also will be required to dedicate approximately 8 acres of land for a future school site, to be used in the interim as public parkland. At the time the school is developed, if ever, the parkland adjoining the school site will be jointly used as school athletic facilities and public parkland under an easement agreement between The Maryland-National Capital Park and Planning Commission and Montgomery County Public Schools (MCPS). MCPS staff asked that the entire future school site (10-12 acres) be dedicated to MCPS at this time. Under normal circumstances this would be the usual procedure. In this instance, however, staff recommended and the Board agreed that within the Clarksburg Town Center, a planned park/school site provides a more efficient use of land than separate facilities. In addition, if the land ultimately is not needed as a school site, then the land should be retained as public parkland. The Board determined that this joint use, with the recreational facilities remaining under The Maryland-National Capital Park and Planning Commission ownership, would afford the most efficient public use of the land.

Therefore, with all of the evidence heard and all testimony taken, The Planning Board, approved the plan, including (1) waiver of the distance between intersections requirements as contained in Section 50-26 of the Subdivision Regulations and (2) approval of closed street sections subject to MCDOT approval. The approval is subject to the following conditions:

1. Agreement with Planning Board to limit development to a maximum of 1300 dwelling units, 150,000 square feet of retail uses and 100,000 square feet of commercial office uses, subject to the following requirements:
 - (a) Agreement with the Planning Board to provide the necessary roadway improvements as identified in the phasing section of the revised Transportation Planning Division Memorandum dated 09/26/95.
 - (b) The recordation of the subdivision plats for the Clarksburg Town Center project shall be phased over a nine year period. Plats may be recorded in three separate phases with each phase being completed within a thirty-six month period. Applicant to record plats for at least 200 residential units during Phase 1. Applicant must submit a plat recordation schedule for Phases 2 and 3 for Planning Board approval as part of the Phase 1 site plan review.
2. Compliance with Environmental Planning Division approval regarding the requirements of the forest conservation legislation. Applicant must meet all conditions prior to recording of plat or MCDEP issuance of sediment and erosion control permit, as appropriate.
3. The commercial area's stormwater management forebay, sand filter #6 and associated grading that cannot be forested must be located outside of the required stream buffer. The SWM facilities should be designed to promote aesthetics and effectiveness.
4. Agricultural areas within the environmental buffer will be taken out of production and stabilized with a suitable grass cover no later than Spring, 1996.
5. Dedication of the following roads as shown on plan must be provided as follows:
 - (a) Clarksburg Road (MD RT.121) for ultimate 80' right-of-way.
 - (b) Piedmont Road (Master Plan A-305) for ultimate 80' right-of-way.
 - (c) Stringtown Road (Master Plan A-260) for ultimate 120' right-of-way.
6. Dedication of the proposed park/school, as shown on the Applicant's revised preliminary plan drawing, is to be made to M-NCPPC. In order to facilitate the implementation of the combined park/school facilities, the following provisions apply:

(a) M-NCPPC and the Applicant will enter into an agreement specifying that an exchange of land, identified as areas "B1" and "B2" on the park/school concept drawing set out on Circle Page 49 of the staff report, will occur prior to the execution of the Site Plan Enforcement Agreement.

(b) Dedication of the approximately 8 acre area, identified as area "A" on the same park/school concept drawing identified above, will occur either at the time of recordation of the plats for the adjacent phase of the project or at such time as funds for construction of the future elementary school are added to the County CIP, whichever occurs first.

c) The Applicant will provide site grading, infield preparation and seeding of the replacement athletic fields on the approximately 8 acres of dedicated land at a time which insures that there will be no disruption in the continued use of the existing athletic fields prior to completion of the replacement athletic fields.

(i) In the event that dedication occurs when funds for the proposed school are shown in the CIP, Applicant will complete work on the replacement fields prior to the construction of the proposed school.

(ii) In the event that dedication occurs prior to funding for the school being shown in the CIP, then upon construction of Street "F", as shown on the revised preliminary plan, Applicant will commence work on replacement of the baseball field. In addition, if at site plan it is determined that there is sufficient earth material on site to construct both replacement fields, then Applicant will also rough grade and seed the replacement soccer field when construction of Street "F" begins. Area tabulations for the proposed park/school complexes to be submitted for technical staff review at site plan. Final grading plan for the park/school site to be submitted for technical staff approval as part of the site plan application.

7. In accordance with Condition #6 above, Applicant to enter into an agreement with the Planning Board to provide for site grading, infield preparation and seeding of the replacement athletic fields in accordance with Parks Department specifications, as shown on the preliminary plan drawing, and as specified in the Department of Parks' Memorandum dated September 22, 1995. The construction of

the replacement athletic fields must occur as specified in Condition #6.

8. Record plats to reflect delineation of conservation easements over the areas of the 100 year floodplain, stream valley buffer, wetland buffer and tree preservation and/or reforestation and greenway dedications.
9. No clearing, grading, or recording of plats prior to site plan approval.
10. Final number and location of units to be determined at site plan.
11. Access and improvements as required to be approved by MCDOT and MDSHA.
12. Conditions of MCDEP stormwater management approval dated 07/28/95.
13. Final number of MPDU's to be determined at site plan dependent on condition #10 above.
14. Preliminary Plan 1-95042 is expressly tied to and interdependent upon the continued validity of Project Plan No. 9-94004. Each term, condition, and requirement set forth in the Preliminary Plan and Project Plan are determined by the Planning Board to be essential components of the approved plans and are, therefore, not automatically severable. Should any term, condition, or requirement associated with the approved plans be invalidated, then the entirety of the approved plan must be remanded to the Planning Board for further consideration. At that time, the Board shall determine if all applicable requirements under State and County law will be met in the absence of such term, condition and requirement, and if some alternative, lawful conditions or plan revisions related to the severed term, condition, or requirement are then required.
15. Other necessary easements.
16. The following phasing requirements are conditioned upon issuance of building permits for the subject preliminary plan:
 - (a) The first 44 dwelling units without any off-site road improvements.
 - (b) After the 44th building permit, the developer must start reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.

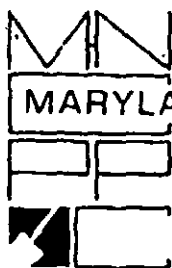
(c) After the 400th building permit, the developer has two options:

- 1) Construction of A-260 from MD 355 to the southern access road of the commercial site (commercial access road between A-260 and P-5) and construction of P-5 across the stream valley into the residential area north of stream valley.
- 2) Construction of A-260 from MD 355 to the northern access road of the residential development and construction of a northbound right-turn lane along MD 355 at A-260 should be included in this phase.

(d) After the ~~800th~~ building permit, the developer must start construction of ~~remaining~~ section of A-260 to A-305, and intersection improvements at MD 355 and MD 121 to construct eastbound & westbound left-turn lanes along MD 121.

(e) Construction of A-305 from A-260 to MD 121 must begin when the developer starts building any of the residential units on blocks 11, 12, 13, and the northern half of block 10.

17. This preliminary plan will remain valid until March 26, 2005. (9 years and 1 month from the date of mailing which is February 26, 1996). The recordation of plats shall occur in accordance with the phasing identified in Condition 1(b) of this opinion, and as further stipulated in the Planning Board's approval of the phase 1 site plan review. Prior to the expiration of the validity period for each phase, a final record plat for all property delineated in a particular phase must be recorded or a request for an extension must be filed. The first phase of the preliminary plan must be recorded by March 26, 1999 or a request for an extension must be filed.



MONTGOMERY COUNTY PLANNING BOARD
REVISED OPINION

Project Plan No. 9-94004

CLARKSBURG TOWN CENTER

RMX-2 Zone

1300 Residential Units, 150,000 Square Feet of Retail, and 100,000 Square Feet of Office

SE Quadrant Frederick Road/Stringtown Road

Clarksburg

Date Mailed: June 12, 1995

Action: On May 11, 1995, motion was made by Commissioner Aron, seconded by Commissioner Holmes, with a vote of 3-1, Commissioners Aron, Holmes, and Hussmann voting for the motion. Commissioner Baptiste opposed to the motion, and Commissioner Richardson absent.

On December 6, 1994, the Clarksburg Town Center Venture (Piedmont Land Associates L.P. and Clarksburg Land Associates L.P.) submitted a complete project plan application seeking to develop pursuant to the optional method of development in the RMX-2 Zone. The application includes a range of housing opportunities, retail shops, a grocery store, restaurants, personal services, and offices.

On April 6, April 20, and May 11, 1995, Project Plan #9-94004 was brought before the Montgomery County Planning Board for a public hearing pursuant to Chapter 59 of the Montgomery County Code. At the public hearings, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the oral testimony, written evidence submitted for the record, and the staff report, the following conditions and findings are hereby adopted.

In voting against the motion, Commissioner Baptiste was concerned about approving this project plan before the water quality regulations, the sewer authorization, and the creation of a development district to fund future roads were complete. The other Commissioners were aware of these issues, but they determined that these issues were addressed at a concept level for the project plan. The remaining, more specific issues could be addressed prior to approval of the preliminary plan.

CONDITIONS

The Planning Board approves Project Plan No. 9-94004 subject to the following conditions:

1. Development Ceiling

The project plan for the Clarksburg Town Center is limited to 1300 dwelling units, 150,000 square feet of retail space, and 100,000 square feet of office space to be constructed in three basic phases as shown in the project plan. The following is the staging plan for traffic improvements:

- a. Stage 1 - 950 Units
- b. Stage 2 - 155 Units
- c. Stage 3 - 195 Units
 - 90,000 Square Feet of Retail
- d. Stage 4 - 60,000 Square Feet of Retail
 - 75,000 Square Feet of Office
- e. Stage 5 - 25,000 Square Feet of Office

The public building areas (i.e., elementary school, park buildings, and library) are not included in the calculations.

2. Transportation Improvements

The following road improvements, at each stage of development, are needed to provide enough capacity to serve the proposed development:

- a. Stage 1 - Reconstruction of the southbound right turn lane along MD 355 at MD 121 to provide a "free flowing" movement.
- b. Stage 2 - Construct an eastbound left turn lane along MD 121 at MD 355.
 - Construct a westbound left turn lane along MD 121 at MD 355.
- c. Stage 4 - Construct a northbound right turn lane along MD 355 at Stringtown Road.
- d. Stage 5 - Restripe eastbound Comus Road to provide exclusive left turn lane at MD 355.
- e. A-260 (Stringtown Road) must be dedicated to a right-of-way of 120 feet. At the preliminary plan, if determined that the property is not part of a participation agreement with MCDOT and other property owners, the safety improvements described in paragraph 4., will be made to Stringtown Road.

- f. Participate in the Gateway I-270 Office Park road improvements as described below unless determined as not appropriate at the preliminary plan. At such time as the developer of the Gateway 270 Office Park commences construction of its required improvements between I-270 northbound off-ramp and the entrance to Gateway 270 Office Park (Transportation Planning Division memorandum dated September 25, 1989, Paragraph 1.b. and 2.), the applicant shall participate in such improvements provided:

1. Applicant has not completed its Stage 3 traffic improvements for the project.
2. Gateway I-270 preliminary plan has not expired.
3. Applicant's participation shall be limited to its pro rata share of traffic through this link in relation to the traffic to be generated by Gateway I-270 Office Park approvals plus any other approved development projects that place traffic through this link.

3. Dedication and Construction of A-305 (Mid-County Highway)

A-305 (Mid-County Highway) must be dedicated to a right-of-way of 80 feet and constructed as a two lane, open section arterial to replace Piedmont Road unless the scope of improvements are reduced at preliminary plan. Along that portion of A-305 near Stringtown Road, the required dedication shall be 40 feet from the current center line of Piedmont Road (along Hennigan, Purdum et al) which will allow for construction of A-305 to Stringtown Road at its current location. If the right-of-way is not available at the time of record plat for that portion of the property along this section, the applicant shall dedicate the full 80 feet along this portion of A-305. Construction will not be necessary until construction of single family detached units within the existing right-of-way for Piedmont Road has started.

4. Dedication and Construction of A-260 (Stringtown Road)

If a participation agreement is determined necessary at preliminary plan, but does not occur before the necessary access points to the commercial area or part of the residential area from A-260 are needed, then the following improvements to existing Stringtown Road must be completed to increase safety as required by MCDOT. For safety purposes, the improvements at public streets A and H include 250-300 feet of bypass travel lanes at each access point. The right-of-way for A-260 (Stringtown Road) will be located outside of the Historic District with a transition to the center line of the existing roadway north of the crossing of Little Seneca Creek.

5. Environmental Improvements Before Approval of the Preliminary Plan

Submit for review before the Planning Board hearing on the preliminary plan the following:

- a. Concept plan for the proposed SWM facilities and roads near or in stream buffer, and associated grading, with indication of where tree planting is permitted.
- b. A staging plan for SWM with the extent of each proposed phase of development and the order in which they will be built. This shall be submitted as part of the first site plan, and should cover the entire site.
- c. A preliminary forest conservation plan addressing priority for planting in the Little Seneca watershed. As site plans for each portion of the site that abut afforestation areas are submitted, detailed afforestation plans for that section will be provided. Within each area of development, planting shall occur as early as practicable given land development activity constraints in accordance with logical staging concepts. Forestation requirements will be satisfied first in Little Seneca basin on-site, then in the Little Bennett basin on-site, then in stream buffer areas in Little Seneca off-site if the land is made available, and if a good faith effort to arrange such land availability fails, then elsewhere on the site.
- d. Applicant shall meet all requirements for preliminary water quality plan submission and approval, per Chapter 19, Article V - "Water Quality Review in Special Protection Areas" (proposed monitoring plan may be submitted as part of the review of the site plan). Location of units, roads, and other layout concerns will be subject to the final water quality regulations.

6. Environmental Improvements

- a. Minimize disturbance in the stream buffer except for road crossings, unavoidable utilities, SWM locations adjoining the town center retail area and greenway road, soft surface pathways, and memorial elements.
- b. As part of the preliminary plan, provide an area within the applicant's stormwater management facilities for stormwater management for the school site.

7. Park/School

The proposed layout of the park/school site is generally acceptable. At the preliminary plan, the final concept plan and related terms and conditions will be finalized in coordination with the Parks Department and Montgomery County Public Schools.

8. Historic Preservation

Incorporate the following items into the project plan before review of the site plan for this area:

- a. Minimize the width of both the right-of-way and paving (50 feet of ROW and 24-26 feet of paving; subject to approval by MCDOT) for Redgrave Place (Main Street) located within the Historic District.
- b. Provide access easements, if applicable, to future public sewer at the intersections of A-260 (Stringtown Road) and Redgrave Place (Main Street) with MD 355 (Old Frederick Road).
- c. Provide a small open space along the northern edge of the greenway next to Redgrave Place (Main Street) with an interpretive memorial element for the family of John Clark that incorporates the existing grave markers.
- d. If the ROW is available, construct Main Street to MD 355 within the Historic District prior to completion of Stage 3. At such time when the land is made available, share direct moving expenses only for relocating an existing house within the Historic District, and if the applicant and property owner agree, make available the identified outlot to be merged with a portion of the adjacent parcel so as to create another lot.

9. Compatibility with Existing Church and Adjacent Residences Within the Historic District

Increase the setback of the proposed public street located next to the church within the Historic District to 30 feet and provide screening for the existing cemetery. Relocate the lot away from the existing church, and maintain the area as open space to provide a potential linkage to the church. The size of lots and setbacks of the proposed development must match, approximately, the development standards in the

R-200 Zone for building setbacks and width of lots along the southeastern boundary of the site within the Historic District. Revise the landscape plan to increase visibility to the church. Provide an easement for a pedestrian connection to the church for the proposed, adjacent street.

10. Revise the Layout of Streets

Incorporate the following items into the site plans for each stage of development:

- a. Improvements to the Town Square - Increase the size of the Town Square by utilizing a loop concept as shown on the revised drawing to reduce conflicts with east/west traffic and to improve pedestrian access.
- b. Relocate A-260 (Stringtown Road) in accordance with the revised alignment diagram to reduce the impact on adjacent residences. Reduce the number of access streets to A-260 from the area of the existing single family detached units (5) on the north side of Stringtown Road to meet the design standards for arterial roads.
- c. Eliminate the access to the proposed elementary school from MD 121 and provide access from the Greenway Road.
- d. Revise the access to A-305 (Mid-County Highway) to allow a direct connection from Burnt Hill Road to the Greenway Road, and improve the access to the single family detached units by utilizing private drives adjacent to A-305.

The present street system shown in the project plan requires waivers of existing standards. The applicant and staff have met with MCDOT to discuss the waivers. All waivers must receive final approval from MCDOT before approval of the site plan.

11. Staging of Amenities

All amenities shown within each stage of development must be completed within that stage of development. The concept design for the greenway, the school/park, and other large play fields, must be completed before approval of the first site plan.

Construction of the amenities within the greenway must be finalized before the completion of Stage 3.

12. Landscaping

The following items must be incorporated into the site plans:

- a. Street trees, high quality street lights, sidewalk paving types, and street furniture as part of the design for the streetscape of roads, the Town Square, and the neighborhood squares;

- b. Increased landscaping in the commercial parking area.
- c. Landscaping for the buffer areas adjacent to all arterial roads.
- d. Screening for the existing homes within the Historic District.
- e. Landscaping for all stormwater management areas.

13. Maintenance

Maintenance of the private recreation areas, stormwater management facilities, applicable open spaces, and other amenities on private land must be maintained by an appropriate homeowners association. Before approval of the first building permit, submit a maintenance document that establishes an overall organization that establishes responsibility for maintenance of these facilities.

14. Additional Access to A-260 (Stringtown Road) and A-27 (Clarksburg Road)

Provide for an additional connection from Redgrave Place (Main Street) to the boundary of the historic district to permit a future connection to A-260 (Stringtown Road). Connect the private street that leads to the Town Square to A-27 (Clarksburg Road) with approval from the Planning Board and MCDOT provided this private street remains private.

As part of the review of the project plan, the Planning Board approved three waivers. The first waiver allows the use of closed section streets (curb and gutter) in special protection areas instead of open section streets. Closed section streets were approved because the high density of the development and the mix of commercial and residential uses are not appropriate for the use of open section streets. The project plan includes special stormwater infiltration measures for the streets instead of the use of open section streets. The Clarksburg Master Plan anticipated the use of closed section streets in the town center area.

The second waiver concerns the use of on-street parking. Waivers to utilize some on-street parking to reduce the requirement for off-street parking were approved subject to final review by the Planning Board at the site plan hearings.

The Planning Board also approved a third waiver to reduce setbacks along the streets and boundary lines as permitted in the Zoning Ordinance if designated in a master plan. These reduced setbacks will allow buildings to be oriented to streets to encourage the use of sidewalks and generally improve the pedestrian environment. The Clarksburg Master Plan also anticipated the reduction in setbacks to foster the creation of a pedestrian oriented town.

FINDINGS

1. Conforms with the Requirements and Intent of the RMX-2 Zone

The Planning Board finds that Project Plan #9-94004, as conditioned, meets all of the purposes and requirements of the RMX-2 Zone. A summary follows that compares the development standards shown with the development standards required in the RMX-2 Zone.

DATA SUMMARY: CLARKSBURG TOWN CENTER

Items	Required	Proposed
Lot Area	NA	201.34 acres (RMX-2)
	NA	68.82 acres (RDT)
		270.16 acres total
Minimum Green Area or Outside Amenity Area:		
a. Within Commercial Area	15% (2.19 ac.)	28% (4.06 ac.)
b. Within Residential Area	50% (93.37 ac.)	53% (99.47 ac.)
c. Within RDT Area	NA	(25.72 Acres)
Density of Development Shown in the Master Plan:		
a. Retail	150,000 sq.ft.	150,000 sq.ft.
b. Office	770,000 sq.ft.	100,000 sq.ft.
c. Civic Use (not including elementary school)	NA	24,000 sq.ft.
d. Residential	1380 du (5-7 du/ac)	1300 du (6.6 du/ac)
MPDU's	12.5%	12.5%
Maximum Gross Leasable (Non-Residential) Floor Area	600,000 sq.ft. (0.5 FAR)	250,000 sq.ft. (0.39 FAR)
Setbacks:		
a. From One-Family Zoning		
- Commercial Bldgs.	100 ft.	300 ft. min.
- Residential Bldgs.	50 ft.	50 ft. min.
b. From Any Street*		
- Commercial Bldgs.	NA	0 ft. min.
- Residential Bldgs.	NA	10 ft. min.
Building Height:		
a. Commercial	4 stories	4 stories (50 ft.)
b. Residential	4 stories	4 stories (45 ft.)
Parking Spaces:		
a. Off-street	2910	2910
b. On-street	NA	596**

- Notes: *
- No minimum setback is required if in accordance with an approved master plan.
- **
- Off-street parking is necessary to provide street oriented buildings. A waiver from the on-street parking requirements is needed within some of the townhouse and multi-family areas.

The setback of residential buildings next to the Clarksburg Historic District must be modified to have a minimum setback of 50 feet.

2. Conforms to the Clarksburg Master Plan and Hyattstown Special Study Area

The Planning Board finds that Project Plan #9-94004, as conditioned, is in conformance with the Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area. The land use, circulation, and urban design objectives described in the Master Plan have been met by the Clarksburg Town Center. The mix of dwelling units conforms to the guidelines in the master plan as summarized in the following chart:

Unit Types		Master Plan Guidelines	Proposed Density Range
a.	Single family detached units	10-20%	130-260 Units
b.	Single family attached and townhouses	30-50%	390-650 Units
c.	Multi-family units	25-45%	325-585 Units

3. Compatibility with the Neighborhood

The Planning Board finds that the project plan, as conditioned, will be compatible with the existing and potential development in the general neighborhood because of its location, size, intensity, staging, and operational characteristics.

4. Will Not Overburden Existing or Proposed Public Services

The Planning Board finds that the proposed development, subject to its compliance of any requirements imposed by the preliminary plan will not overburden existing public services nor those programmed for availability, concurrently with each stage of development. Since approval of the project plan does not determine authorization or prevent other developments from proceeding, the Planning Board approves the project plan with the understanding that final authorization is dependent on the finding that Clarksburg Town Center will not preclude development of the Germantown Town Center.

5. Is More Efficient and Desirable than the Standard Method of Development

The Planning Board finds that the proposed project, as conditioned, will be more efficient and desirable than the standard method of development. This optional method project consists of a mix of uses which are recommended in the Master Plan. These uses are not permitted under the standard method of development.

The amenities and facilities provided as part of the optional method of development fosters the creation of a transit and pedestrian oriented town surrounded by open space. The green way network of amenities provides a major open feature. The town

square, and the neighborhood squares provide amenities within the entire development. The streetscape system provides a comprehensive system in addition to the minimum design standards. The recreational facilities provide small open play areas for the local neighborhood and large fields for the entire planning area that exceed the minimum standards. The orientation of buildings to streets and the layout of blocks provide a pedestrian orientation for the town center.

6. Includes Moderately-Priced Dwelling Units

The application includes moderately-priced dwelling units.